

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Christian Paul RODARTE,

Defendant(s)

Magistrate Case No. 08 APR 20 PM 12:13

'08 MJ 1320

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

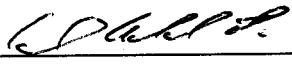
Transportation of Illegal

Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 17, 2008**, within the Southern District of California, defendant **Christian Paul RODARTE** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Bulmaro MAGALLON-Mendez, Fernando Cirilio MARTINEZ-Garcia, Carmelo GONZALEZ-Palacios, Eugenio RODRIGUEZ-Naranjo, and Alfredo PARRA-Magallano** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF APRIL 2008.


Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Christian Paul RODARTE

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Bulmaro MAGALLON-Mendez, Fernando Cirilio MARTINEZ-Garcia, Carmelo GONZALEZ-Palacios, Eugenio RODRIGUEZ-Naranjo, and Alfredo PARRA-Magallano** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 17, 2008, at approximately 5:30 p.m., Supervisory Border Patrol Agent D. Dailey and Border Patrol Agent G. Ballesteros of the Smuggling Interdiction Group (SIG) Intelligence Unit, were dispatched to a single vehicle accident with possible injured illegal aliens on State Route 94 near the Mountain Empire campground near Campo, California. Upon arrival, the agents noticed a silver four door 2001 Suzuki Esteem bearing a California license plate wrecked on the side of the road. Border Patrol Sector communication was contacted for vehicle registration information on the license plate which returned with a release of liability. The vehicle appeared to have made significant contact on the drivers' side portion of the vehicle with a lone oak tree.

California Highway Patrol Officer T. Niebert, Supervisory Border Patrol Agent J. Dinise and the local Fire and Rescue were already at the scene. Officer Niebert's preliminary report was that the driver failed to negotiate a right curve and lost control off of the roadway. Two people (a male and female) were still entangled in the vehicle wreckage and ultimately required the jaws-of-life to extricate the two subjects. The male and female were pronounced dead at the scene. The other six subjects, including the defendant later identified as the driver of the vehicle **Christian Paul RODARTE**, were transported to various hospitals within the San Diego, California general area. All six subjects left the accident scene in critical condition via Life Flight.

Officer Niebert reported that he was dispatched to a citizen's call of a vehicle accident near the intersection of State Route 94 and Forrest Gate Road. Upon his arrival, he noticed a four door vehicle off the road with major damage from the left front fender area back to the left rear door. Two rear driver side passengers were unresponsive and eventually declared deceased at the scene by Captain M. White #P5903 with the California Department of Forestry (CDF) Engine 3374. As Officer Niebert approached the vehicle to possibly assist survivors, he noticed that the defendant Christian Paul RODARTE was trapped in the driver's seat and had to be extricated. Officer Niebert claimed that the driver was uncooperative and failed to provide a statement at the scene.

Officer Niebert also identified five other subjects in the immediate area of the vehicle wreck in need of medical attention. All of the subjects were life flighted to emergency care facilities. Officer Niebert's report was not complete as of April 25, 2008. The vehicle was seized as evidence in the alien smuggling case with fatalities United States vs. Christian Paul RODARTE, under Title 8 USC 1324 Alien Smuggling.

CONTINUATION OF COMPLAINT:

Christian Paul RODARTE

MATERIAL WITNESSES STATEMENTS:

Material witnesses Bulmaro MAGALLON-Mendez, Fernando Cirilio MARTINEZ-Garcia, Carmelo GONZALEZ-Palacios, Eugenio RODRIGUEZ-Naranjo, and Alfredo PARRA-Magallano agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that a foot-guide smuggled them into the United States and brought them to a highway where they waited for a car to arrive. The material witnesses stated that a car arrived and the foot-guide told them to get in. The material witnesses stated that the vehicle took off at a high rate of speed and later crashed on the highway. The material witnesses stated that they were to pay \$2,000.00 to \$2,800.00 (US) to be smuggled into the United States. Material witnesses Bulmaro MAGALLON-Mendez and Eugenio RODRIGUEZ-Naranjo were shown a photographic line up and were able to identify defendant #6 Christian Paul RODARTE as the driver of the vehicle.

Executed on April 26, 2008, at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 17, 2008, in violation of Title 8, United States Code, Section 1324.



Nita L. Stormes
United States Magistrate Judge



Date/Time

4-26-08 at 12:25PM